

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ZSOLT ZSUFFA,

Plaintiff,

-against-

BRITT REALTY, LLC, N7 OWNER LLC,
and MAJOR ELEVATOR CORP.,

Defendants.

MEMORANDUM AND ORDER

Case No. 18-CV-5719 (FB) (ST)

N7 OWNER LLC,

Third-Party Plaintiff,

-against-

MAJOR ELEVATOR CORP.,

Third-Party Defendant.

Appearances:

For the Plaintiff:

HOLLY OSTROV RONAI
Ronai & Ronai LLP
The Ronai Building
34 Adeo Street
Port Chester, New York 10573

*For Defendant Britt Realty, LLC, and
Defendant/Third-Party Plaintiff N7 Owner
LLC:*

JOHN V. FABIANI
Fabiani Cohen & Hall LLP
570 Lexington Avenue
New York, NY 10022

*For Defendant/Third-Party Defendant
Major Elevator Corp.:*

STUART D. SCHWARTZ
Gottlieb Seigel & Schwartz, LLP
207 East 94th St., Mezzanine Level
New York, NY 10128

BLOCK, Senior District Judge:

In an Order dated March 21, 2022, the Court, inter alia, granted Plaintiff's motion for summary judgment on his New York Labor Law § 241(6) claim against Defendants Britt Realty, LLC and N7 Owner LLC. Upon reconsideration, the Court concludes there is an issue of material fact as to the presence of a cable on the staircase on which Plaintiff allegedly tripped, which is reserved for trial. Accordingly, the Court's March 21 Order is VACATED to the extent that it grants summary judgment on Plaintiff's § 241(6) claim, and Plaintiff's motion for summary judgment on that claim is DENIED.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
October 4, 2022